

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

In re Bard IVC Filters Products Liability
Litigation

No. MDL 15-02641-PHX-DGC

QUALIFIED PROTECTIVE ORDER

The individuals listed on attached Exhibit A have asserted claims against Defendants in the above captioned action. These individuals have retained BARON & BUDD, P.C. as Counsel to represent them in relation to the above-captioned action. BARON & BUDD, P.C. (“Counsel”) agrees that they represent the individuals identified in Exhibit A.¹

Having considered Counsel’s unopposed motion for entry of a qualified protective order (Doc. 22010), and for good cause shown,

IT IS ORDERED:

1. By virtue of their status as Counsel for the individuals listed on Exhibit A, Counsel shall resolve any potential Part A and/or Part B fee-for-service Medicare Secondary Payer (MSP) claim(s) related to settlements, judgments, awards, or other payments associated with the above captioned action for those individuals on Exhibit A who are or were Medicare beneficiaries.

¹ The exhibit proposed by Counsel includes individuals who have asserted no claims against Defendants in this MDL. *See* Doc. 22010-1. The Court declines to enter a protective order with respect to non-plaintiffs, and has revised Exhibit A accordingly.

2. Counsel has also retained ARCHER Systems, LLC (“ARCHER”) to identify and resolve potential healthcare liens with Medicaid agencies, TRICARE, Veteran’s Administration, Department of Defense, Indian Health Services, and private health insurers, (hereinafter, collectively “the Agencies”) claim(s) related to settlements, judgments, awards, or other payments associated with the above captioned action for those individuals on Exhibit A who are or were beneficiaries of the Agencies.
3. The entry of this HIPAA-compliant qualified protective order is necessary in this action in order to permit the Agencies to transmit lists of information, including protected health information and other related information regarding the individuals listed on Exhibit A to ARCHER, rather than providing copies of individual HIPAA authorizations and information on a claimant-by-claimant basis, including any third party authorized by ARCHER or the Court to assist in the resolution of the Agencies’ potential liens and reimbursement claims.
4. As such, it is hereby ordered:
 - a. This Qualified Protective Order shall apply to all “protected health information” and “individually identifiable health information,” as defined by 45 CFR § 160.103, or information that is otherwise protected from disclosure by the Privacy Act, 5 U.S.C. § 551a, the Health Insurance Portability and Accountability Act of 1996, Pub. L. 104-191, 42 CFR § 431 Subpart F, titled “Safeguarding Information on Applicants and Recipients” and other applicable state law, created, received or collected from plaintiffs and claimants by the Agencies, including, but not limited to: (a) names and addresses, dates of birth, social security numbers, identification numbers and other demographic information that identifies, or could be used to identify the individuals listed on Exhibit A; (b) eligibility and entitlement information for the individuals listed on Exhibit A; (c) claims information relating to the past, present, or future health care of the individuals listed on

1 Exhibit A; (d) claims information relating to the provision of healthcare to
2 the individuals listed on Exhibit A; and, (e) claims information relating to
3 the past, present, or future payment for the provision of healthcare to the
4 individuals listed on Exhibit A.

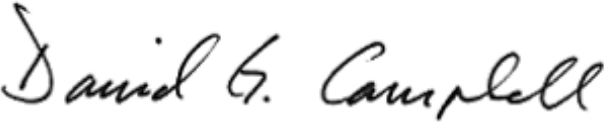
5 b. Each Agency is hereby authorized and directed to transmit to ARCHER to
6 assist in the resolution of potential liens or reimbursement claims, any
7 information, including claims information and other protected health
8 information, for those individuals listed on Exhibit A against whom they
9 may assert liens or reimbursement claims.

10 c. ARCHER shall not use or disclose any protected health information or
11 individually identifiable health information subject to this Qualified
12 Protective Order for any purpose other than this litigation, including
13 compliance with any applicable Court orders or other legal obligations.
14 Similarly, the Agencies shall only use the information listed on Exhibit A for
15 the specific purposes of transmitting to ARCHER any information,
16 including claims information and other protected health information, for
17 those individuals listed on Exhibit A in the above-captioned matter against
18 whom the Agencies have asserted liens or reimbursement claims, or in
19 whose potential settlements the Agencies may have an interest. The
20 Agencies shall only make the information for the individuals listed on
21 Exhibit A available to those within their respective Agency who need access
22 to the information for the individuals listed on Exhibit A for the specific
23 purpose stated in this paragraph. If the Agency utilizes outside vendors or
24 companies to perform part or all of their tort recovery practices, the outside
25 vendors or companies shall be expressly bound by all terms and conditions
26 of this Qualified Protective Order.

27 d. ARCHER shall maintain any protected health information or individually
28 identifiable health information subject to this Qualified Protective Order in a

1 secure and safe area and shall exercise the same standard of due and proper
2 care with respect to the storage, custody, use and/or dissemination of such
3 protected health information as is exercised by ARCHER with respect to its
4 own confidential proprietary information.

5 Dated this 12th day of April, 2021.

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9 David G. Campbell
10 Senior United States District Judge
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Exhibit A

Baron & Budd's Motion for Qualified Protective Order

Client Name	Case No.
Brigitte Arp and Fritz M. Arp	2:19-cv-03258 PHX DGC
Maria M. Barraza	2:18-cv-03098 PHX DGC
Paul Beasley	2:18-cv-03079 PHX DGC
Vanessa Davis, PR for Katina Bethea	2:18-cv-04199 PHX DGC
Kirsten Bicica	2:16-cv-00177 PHX DGC
Karen Black	2:19-cv-01258 PHX DGC
Irvin Cady	2:18-cv-03099 PHX DGC
Cheyenne Carter	2:16-cv-00178 PHX DGC
Sandra Carter	2:18-cv-03100 PHX DGC
Laura Chance and Mark Allen Chance, Sr.	2:16-cv-03627 PHX DGC
Larry Darnell Chapman	2:18-cv-04151 PHX DGC
Arthur Lee Collins, Sr.	2:18-cv-03081 PHX DGC
Martin Crissey	2:16-cv-01362 PHX DGC
Kerry Currenti	2:18-cv-02761 PHX DGC
Kimberly Curry	2:16-cv-00179 PHX DGC
Amy Elizabeth Dahl	2:18-cv-03101 PHX DGC
Robert Dostie	2:18-cv-04152 PHX DGC
Robert Dougal	2:16-cv-00180 PHX DGC
Edmund James Eastman, Jr.	2:16-cv-03760 PHX DGC
Myra Edwards	2:15-cv-02090 PHX DGC
RaSheedah El-Amin	2:17-cv-01358 PHX DGC
Jill Ferroni	2:17-cv-01386 PHX DGC
Calvin Finnels	2:17-cv-01382 PHX DGC
Freddie Flippin	2:17-cv-01387 PHX DGC
Nicko Freeman	2:18-cv-03102 PHX DGC
Tyler Hands as PR for Raymond Gardner	2:19-cv-00045 PHX DGC
Carrie Garner	2:18-cv-03085 PHX DGC
James Gauntt	2:18-cv-04155 PHX DGC
Judy Gibson	2:16-cv-00181 PHX DGC
James Graham	2:18-cv-03103 PHX DGC
Joyce Hall	2:16-cv-00851 PHX DGC
Matthew E. Hall	2:16-cv-01363 PHX DGC
Lorella Hammond	2:18-cv-03086 PHX DGC
Robert Harwell, executor of the estate of Cindy Harwell	2:16-cv-01364 PHX DGC

Susan Hayes	2:16-cv-00182 PHX DGC
Cherie A. Himes-Fox	2:18-cv-04158 PHX DGC
Donna Hoffler	2:18-cv-03087 PHX DGC
Philip Horowitz	2:18-cv-04161 PHX DGC
Deborah Howard	2:16-cv-01223 PHX DGC
Star Huff	2:16-cv-01243 PHX DGC
Andrew Johnson	2:16-cv-03816 PHX DGC
Nancy Kiley	2:16-cv-01239 PHX DGC
William Krause	2:18-cv-03104 PHX DGC
Leoma Lambert	2:17-cv-01359 PHX DGC
Mary J. Lazenby	2:17-cv-04087 PHX DGC
Ben Levine	2:18-cv-03105 PHX DGC
Joe Lopez	2:16-cv-01358 PHX DGC
Donald Martel executor of the estate of Shirley Martel	2:16-cv-01242 PHX DGC
Mandie Martz	2:18-cv-03089 PHX DGC
Lester Dale McCartney	2:17-cv-00126 PHX DGC
Samuel McCorkle	2:18-cv-03090 PHX DGC
Kenya McGhee	2:16-cv-01238 PHX DGC
Donald Menez	2:16-cv-01207 PHX DGC
Diana Moss	2:18-cv-00032 PHX DGC
Erin Nason	2:18-cv-03091 PHX DGC
Ruth Nelson	2:17-cv-01384 PHX DGC
Patricia Patterson	2:18-cv-03106 PHX DGC
Valerie Pryor	2:16-cv-01240 PHX DGC
Felicia Redding	2:18-cv-03107 PHX DGC
Shannon Lee Remache	2:18-cv-03109 PHX DGC
Mario Richard	2:18-cv-03093 PHX DGC
Eddie Riggs as PR for Waynetta Riggs	2:17-cv-03325 PHX DGC
Brian Ross	2:18-cv-03092 PHX DGC
Tiffany Sell	2:16-cv-01241 PHX DGC
Shirley Showalter	2:18-cv-03112 PHX DGC
Tammie Siegfried	2:18-cv-04201 PHX DGC
Brenda Smith	2:17-cv-01388 PHX DGC
Edward Smith	2:17-cv-01361 PHX DGC
Jennifer Spane	2:18-cv-01581 PHX DGC
Kristen Stokely	2:17-cv-03385 PHX DGC
Margaret Sweet	2:18-cv-03095 PHX DGC
Kendrick Taylor	2:15-cv-02463 PHX DGC
Brenda Townley	2:16-cv-01359 PHX DGC
Benjamin Townsend	2:16-cv-01384 PHX DGC
Dariel Tuck	2:18-cv-04202 PHX DGC

Shari Waggoner	2:18-cv-04329 PHX DGC
Winston Walton	2:18-cv-04203 PHX DGC
Jack Ward	2:17-cv-01357 PHX DGC
Richard Ward	2:17-cv-01356 PHX DGC
Jason Waser	2:18-cv-03113 PHX DGC
Donald Brown as PR for Virginia Watson	2:17-cv-01383 PHX DGC
Elisha Wertz	2:17-cv-01389 PHX DGC
Peggy White	2:18-cv-04204 PHX DGC
Carrie Whitmore	2:17-cv-01353 PHX DGC
Amanda L. Williams	2:18-cv-04204 PHX DGC
Anthony Williams	2:16-cv-01361 PHX DGC
Michael S. Williams	2:18-cv-04205 PHX DGC
Stephanie Williams	2:17-cv-01360 PHX DGC
Alice Wilson	2:18-cv-03097 PHX DGC